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RUEHBY/AMEMBASSY CANBERRA PRIORITY 2887
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 0932
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C O N F I D E N T I A L SECTION 01 OF 04 KUALA LUMPUR 000003

SIPDIS

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [MY](#)

SUBJECT: GOM APPEALS KUALA LUMPUR HIGH COURT RULING ON OF
USE WORD "ALLAH".

REF: 2009 KL 716 CANING PUNISHMENT POSTPONED UNTIL
AFTER RAMADAN BUT DEBATE CONTINUES.

Classified By: Political Counselor Brian McFeeters for reasons 1.4 (b)
and (d).

SUMMARY AND COMMENT

11. (SBU) Summary: On December 31, the Kuala Lumpur High Court ruled that the Catholic Herald, a weekly publication, could use the word "Allah" in its Malay-language edition and that the Home Minister's prohibition on non-Muslims' use of the word was unconstitutional. While the use by non-Muslims of the word "Allah" in neighboring Indonesia and even in Sarawak and Sabah is quite common, the decision has fueled opposition among the country's Malay majority and has become a flashpoint issue on religious tolerance. Muslim groups and United Malay National Organization(UMNO) Leaders, to include former Prime Minister Mahathir, have protested the ruling. However, after internal debate, the Opposition Islamic Party of Malaysia (PAS) decided to support the court's ruling with conditions. Prime Minister Najib has asked the population to be calm while the courts resolve the issue. The Ministry of Home Affairs has filed an appeal of the decision and requested the ruling be stayed in the interim. Representatives of the Catholic Church in Malaysia remain concerned that the decision will be overturned on appeal. End Summary.

12. (C) Comment: Malaysia has long prided itself on religious tolerance -- tolerance which clearly exists across the country, but which of late has come under increasing challenge. The Kartika caning case, see reftel, and the "cows-head" incident were the most recent manifestations of this trend prior to this latest iteration of the "Allah" controversy. The Malaysian constitution provides for freedom of religion; however, it also stipulates that "Islam is the religion of the Federation," and disallows proselytizing of Muslims. While PM Najib appears concerned about preserving Malaysia's international image as a moderate and progressive Muslim nation, he has also been focused on bolstering his Muslim credentials domestically. To date, he has been unwilling to confront the conservative Muslim movement on sensitive issues for fear that it could damage the UMNO's Islamic bona fides. While the higher court's decision can be viewed as a significant display of independence by a judiciary that has frequently been manipulated by the ruling party leadership, the growing public outcry and quick appeal of the decision by the GOM suggests that the prospects are high for that ruling to be overturned by either the Court of Appeals or Federal Court. The sharp negative reaction to the High Court's ruling by a broad cross-section of the Muslim-Malay polity appears to have taken Najib by surprise. This is the first serious litmus test for his year-old

Administration. End Comment.

BACKGROUND

13. (SBU) "Allah" is the standard Arabic word for "God." It has been used by Arabic-speakers of all Abrahamic faiths, including Christianity and Judaism, for centuries. Reflecting the Arabic influence in the region, the Malay word for "God" has also been "Allah" for hundreds of years. The use of the term "Allah" by non-Muslims is largely a non-issue in neighboring Indonesia and in the Arab world. However, it has been an issue in Malaysia for over twenty years. In December 1986, the first cabinet decision banning non-Muslims from using "Allah" and other religious Islamic words was issued. In July 2002, the cabinet reiterated the ban. In 2007, the Ministry of Home Affairs directed the Catholic Church to stop using the word "Allah" in the Malay-language edition of its weekly publication, the Catholic Herald, maintaining that using it posed a threat to national security, and could confuse the country's Muslims and draw them to Christianity. In February 2008, the Home Ministry reiterated its directive to the Catholic Church to refrain from using the term. On January 7, 2009, the Home Ministry approved the Catholic Herald's publishing permit, subject to the condition that it not use the word "Allah." On February 26, 2009, former Home Affairs Minister Seri Syed Hamid Albar signed a into law a provision which allowed for the Catholic Herald to use the word "Allah" provided its publications clearly state "for Christians only." Under pressure from elements of the ruling UMNO party and Muslim groups, the Home Ministry rescinded the law on February 28, 2009, and banned the Catholic Herald from using the word "Allah." Shortly thereafter, the Catholic

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Church challenged the constitutionality of the Home Ministry's directive.

14. (SBU) On December 31, Judge Lau Bee Lan ruled that pursuant to Articles 11 and 12 (establishing Freedom of Religion and Rights in Respect of Education) of the Federal Constitution, the Home Ministry's ban on the Catholic Herald's use of the word "Allah" was unconstitutional. Specifically, the court explained that it was an offense for non-Muslims to use the word "Allah" to Muslims to propagate the religion but it was not an offense for non-Muslims to use the word to non-Muslims for the purpose of religion.

15. (SBU) This case is also relevant for Malay-language Bibles. In March and September of 2009, Malaysian Customs confiscated Malay-language Bibles shipped from Indonesia, because they too used the word "Allah." Home Ministry officials said that they were only following the July 2002 cabinet directive and the decision made by the National Fatwa Council that the word "Allah" was exclusive to the religion of Islam.

GOVERNMENT RESPONSE

16. (SBU) The Prime Minister, Deputy Prime Minister, and the Home Minister have made public comments on the issue noting the sensitivity of the issue, requesting that the populace remain calm while the matter is resolved in the courts. Thirteen Malay NGOs protested the decision in Kuala Lumpur and Penang on January 4. While the statements by government leadership may have quelled some potential protestors, Pribumi Perkasa, a Malay rights group, has called for nationwide protests outside major mosques on Friday, January 18. Under Malaysian law, the GOM has 30 days to file an appeal. On January 4, the Home Ministry filed an appeal of the decision and on January 5 filed for a stay of execution of the court order pending the results of the appeal.

REACTION FROM CHRISTIAN LEADERS AND NON-MUSLIM GROUPS

17. (C) Reverend Dr. Hermen Shastri, General Secretary of the Council of Churches Malaysia told poloffs in November that "a

strong Islamic lobby that clearly enjoys immunity from legal prosecution in UMNO" was orchestrating policies to portray the political party as a true defender of Islam compared to the Opposition Islamic Party of Malaysia (PAS). On the "Allah" court case, Shastri commented, "this will be a long, drawn-out battle." He added that all churches have agreed to ignore any court rulings against them stating, "we are prepared to face the consequences) no one has the right to dictate to us how we should pray or refer to God." The editor of the Catholic Herald, Father Lawrence Andrews agreed, saying "these Muslim bureaucrats have no business whatsoever in telling us how to conduct our prayers." Shastri did acknowledge, however, that the GOM's reaction was, in part, due to some evangelical churches "going overboard" in proselytizing among non-Christians.

18. (C) On January 4, Father Andrews told poloffs that the Malaysian government is under "tremendous pressure" to overturn the High Court decision. He added however, that because the High Court judge thoroughly and clearly analyzed the constitutional provisions relating to freedom of religion, the Court of Appeals must address the matter seriously. Any further decision in this matter will have "tremendous implications" on the issue of constitutional interpretation and freedom of religion. Father Andrews also stated that the online version of the Catholic Herald was hacked into and shut down two times right after the High Court's decision. The editorial team was able to restore the site.

19. (SBU) In a press statement issued January 4, Malaysian Chinese Association (one of the ruling coalition's three main political parties) spokesman Gan Ping Sieu lauded the court's "bold and rational judgment" noting that no one group can "copyright Allah." He said that it was a historical fact that the term "Allah" predates Islam with Christians in Arab countries, the Middle East, and Indonesia referring to God as "Allah." He expressed alarm at the ethnic and religious based protests in Kuala Lumpur and Penang, viewing them as threats to freedom of religion and supported Najib's call for the populace to remain calm. He noted that the "ruling is a matter of law in upholding the rights of Malaysians as provided by our Federal Constitution, and hence should be maintained as that - law." The matter, he added, should not

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be stirred into a religious debate nor politicized as a racial or religious issue.

REACTION FROM MUSLIM GROUPS

10. (SBU) Muslim groups and UMNO Leaders have protested the ruling. Former Prime Minister Mahathir stated that whatever justifications offered for the High Court ruling would not diffuse the anger of Muslims. Nonetheless, he acknowledged the term "Allah" had been used in Sabah and Sarawak before the two states joined Malaysia in 1963, so it would be difficult to stop them from doing so now. He suggested that the High Court decision be governed by strict conditions. However, his daughter, Marina Mahathir, dismissed her father's view asserting that Muslims who were strong in their faith would not be intimidated or confused by the High Court's decision. Former Prime Minister Abdullah Ahmad Badawi, who currently is the chairman of the Institute of Islamic Understanding of Malaysia (Ikim), avoided taking sides on the matter but noted that the issue must clearly and immediately be explained to the people, including non-Muslims, to avoid tension and confusion. Former Perlis Mufti Dr. Asri Zainal Abidin supported the decision saying that all are encouraged to follow Allah.

11. (SBU) Several UMNO leaders expressed disappointment with the court decision, often citing the potential for Muslims to become "confused" about non-Muslims using the word "Allah" and fear that it could be used to recruit Muslims to Christianity. Minister of Women, Family and Community

Development Shahrizat Abdul Jalil said the movement to overturn the High Court's decision would ensure that the place and position of Islam was not tarnished. Minister in the Prime Minister's Department in charge of religious affairs Jamil Khir said the government will appeal the decision to "safeguard the sanctity of Islam in Malaysia." On January 4, the Malaysian Islamic Development Department (Jakim) which falls under the office of the Prime Minister told Kuala Lumpur Roman Catholic Archbishop Murphy Pakiam not to use the term "Allah" in any publication while the matter is up on appeal.

¶12. (SBU) Former National Fatwa Council Chairman Dr. Ismail Ibrahim said on January 3, "the name 'Allah' specifically refers to the God of Muslims in context of the One and Only Allah. This is the concept of God in Islam. Muslims cannot share the same concept of Allah with the non-Muslims, including Christian followers who believe in the Trinity concept, because Muslims believe Isa or Jesus is not Allah's son." President of the conservative, influential NGO Jamaah Islah Malaysia Zaid Kamaruddin told Polcouns on January 4 that the issue was sensitive for his organization because Christian use of the term "Allah" could mean that things are said about God that Muslims do not agree with. He added, confidently, that the courts' "due process" should be allowed to proceed, implying that the High Court's decision would be overturned.

¶13. (SBU) A group entitled "Menentang Penggunaan Allah Oleh Golongan Bukan Islam" (Opposition to Non-Muslims using the word Allah) created on the social networking website Facebook had a membership of 62,627 as of January 5, 2009 and is quickly growing. (Note: When post first checked the website, membership was at 35,740 - twenty-four hours later, an additional 26,887 had signed the on-line petition. End Note).

¶14. (SBU) Interestingly, Islamic Party PAS decided to support the court's ruling with conditions. After a three-hour meeting on January 4, PAS President Seri Abdul Hadi Awang announced, "PAS would like to state that based on Islamic principles, the use of the word Allah by the people of Abrahamic faiths such as Christianity and Judaism is acceptable. However, the word Allah must not be misused or abused so as not to affect racial and religious harmony in the country." These comments were nearly identical to those previously made by PAS's spiritual leader and Chief Minister of Kelantan, Nik Aziz, considered Malaysia's foremost authority on Islam. (Comment: PAS's decision was politically savvy. Even if the appeals court overrules the High Court decision, they have made a bid to capture the support of non-Muslims for their moderate stand on this issue. End Comment.) This decision was clearly made after much internal debate. PAS Deputy President Nasharudin Mat Isa had previously described the decision as "an encroachment on the constitutional position of Islam as the official religion of the country."

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KEITH